

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Applicants acknowledge, with thanks, the Examiner's indication in the present Office Action that Claims 6, 7 10, and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The remaining Claims 1-5 and 8-9 are rejected over substantive grounds. Specifically, Claims 1, 2, 4, 5 and 8 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0197863 to Mak, et al. ("Mak, et al."). Claims 3 and 9 stand rejected under 35 U.S.C. § 103 as allegedly unpatentable over the combined disclosures of Mak, et al. and U.S. Patent No. 6,096,630 to Byun, et al. ("Byun, et al.").

In view of the above and to advance prosecution of the present application, applicants have amended Claim 1 to include the feature of allowable Claim 11. The inclusion of the subject matter of Claim 11 into Claim 1 made Claim 11 redundant; therefore applicants have cancelled Claim 11 herein.

In addition to canceling Claim 11, applicants have cancelled withdrawn Claims 12-30, without prejudice and have added new Claims 31-46. Applicants respectfully submit that the newly added claims all read upon Species I that was elected in the previous Response dated November 17, 2004 since all the newly added claims include the species wherein the second exposing step is directed to second exposing to a Si source.

The newly added claims do not introduce new matter into the instant application. Rather, each of the newly added claims is supported by the originally filed application. For example, new Claim 31 is a combination of original Claim 1 and allowable Claim 6. Claims

32-38, which are dependent on new Claim 31, are based on original Claims 2-5, 8-9 and 11, respectively. New Claim 39 is a combination of original Claims 1 and allowable Claim 7, while Claims 40-46 are based on original Claims 2-5, 8-9 and 11, respectively.

Since the above amendments to the claims do not introduce new matter into the specification of the instant application, entry thereof is respectfully requested. Applicants observe that Claims 1-10 and newly added Claims 31-46 are allowable over the art of record since each of the independent claims, i.e., Claims 1, 31 and 39, contains subject matter that is deemed as allowable in the present Office Action. Hence, applicants submit that the anticipation rejection citing Mak, et al. and the obviousness rejection based on the combined disclosures of Mak, et al. and Byun, et al. are moot and are no longer applicable. As such, the anticipation rejection based on Mak, et al. and the obviousness rejection based on Mak, et al. and Byun, et al. have been obviated; therefore reconsideration and withdrawal of the instant rejections are thus respectfully requested.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,


Leslie S. Szivos, Ph.D.
Registration No. 39,394

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
Customer No. 23389

LSS/jw